PRE-APPEAL BRIEF REQUEST FOR REVIEW	Docket Number (Optional) 059864.01011
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed Name _____	Application Number: 10/073,241 Filed: February 13, 2002
	First Named Inventor: Marko KARPPANEN
	Art Unit: 2113
	Examiner: C.S. MCCARTHY

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

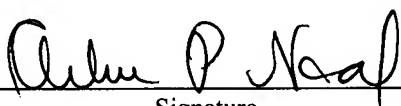The review is requested for the reason(s) stated on the attached sheet(s).
   Note: No more than five (5) pages may be provided.

I am the

☐   Applicant/Inventor.

☐   assignee of record of the entire interest.
     See 37 CFR 3.71. Statement under
     37 CFR 3.73(b) is enclosed

☒   Attorney or agent of record.
     Registration No._____ 43,828

☐   Attorney or agent acting under 37 CFR 1.34.
     Reg. No. is acting under 37 CFR 1.34 _____

_____
Signature

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Typed or printed name

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June 19, 2007
Date

NOTE: Signatures of all of the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐   *Total of _____ forms are submitted.

In re the Application of:

Marko KARPPANEN   Art Unit: 2113

Application No.: 10/073,241   Examiner: C.S. MCCARTHY

Filed: February 13, 2002   Attorney Dkt. No.: 059864.01011

For: METHOD AND DEVICE FOR PROVIDING LOCAL MONITORING CAPABILITY TO
PLUG-IN UNITS OF A COMPUTER SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450   June 19, 2007

Sir:

In accordance with the Pre-Appeal Brief Conference Pilot Program guidelines set forth in the July 12, 2005 Official Gazette Notice, Applicant hereby submits this Pre-Appeal Brief Request for Review of the final rejections of claims 9-18, 20-26, and 29-33 in the above identified application. Claims 9-18, 20-26, and 29-33 were finally rejected in the Office Action dated March 19, 2007. Applicant filed a Response to the Final Office Action on May 14, 2007, and the Office issued an Advisory Action dated May 30, 2007 maintaining the final rejections of claims 9-18, 20-26, and 29-33. Applicant hereby appeals these rejections and submits this Pre-Appeal Brief Request for Review. A Notice of Appeal is filed timely concurrently herewith. This Pre-Appeal Brief Request for Review is being timely filed. As will be discussed below, numerous clear errors exist in the final rejections that require withdrawal thereof.

Claims 9-16, 20-23, 25, 29-30 and 33 were rejected in the Office Action under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2003/0067926 to Golikeri (hereinafter Golikeri). As outlined below, Golikeri fails to disclose or suggest the elements of claims 9-16, 20-23, 25, 29-30 and 33. The failure of Golikeri to disclose each and every element of the present claims constitutes clear error.

Golikeri teaches a system for address management in a distributed communication environment, wherein the system is configured to purge obsolete addresses from an address table for modules in the system. The system of Golikeri generally includes a number of address databases distributed across one or more communication devices. Each address database is maintained independently by a module, and the various modules are interconnected by a bus or backplane so that the modules can coordinate address management across the distributed address databases. In Golikeri, each module monitors the status of its locally owned address entries in order to identify any locally owned address entries that become obsolete. A locally owned address entry may be

considered obsolete if no protocol messages are sent to or from the corresponding directly connected communication device within a predetermined period of time. When a module determines that a locally owned address entry is obsolete, the module purges the locally owned address entry from its address database, and then sends a purge message to the other modules including the obsolete address from the purged address entry. Upon receiving the purge message, the other modules purge the corresponding remotely owned address entry from their respective address databases, thereby synchronizing their respective address databases. Each module may also periodically send a keep-alive message to the other modules identifying each locally owned address that the module considers to be active. Each module also maintains a timer for each remotely owned address entry. A module resets the timer for a particular remotely owned address entry each time the module receives a keep-alive message indicating that the corresponding address is active. The module purges a particular remotely owned address entry if the corresponding timer expires by reaching a predetermined timeout value. Thus, each module eventually purges an obsolete address entry, even if the purge message was not received by all modules.

Applicant submits that the rejections of claims 9-16, 20-23, 25, 29-30 and 33 under 35 U.S.C. 102(e) based on the teachings of Golikeri is clearly erroneous. Applicant submits that Golikeri does not teach or suggest each of the elements recited in claims 9-16, 20-23, 25, 29-30 and 33. In Golikeri, each Ethernet switching module includes an address database which can be added or removed. According to Golikeri, the address databases of the remaining modules are updated accordingly so that the address entry referring to the removed module is purged. The management and control logic of Golikeri monitors the status of locally owned address entries and maintains the entries. In Golikeri, an aging function is performed by the switching module for detecting obsolete locally owned address entries in its address database. When the addressing is used for processing a certain Ethernet frame, an aging timer is initiated in Golikeri, where there is a certain expiry time after which the address is decided to be obsolete. Thus, in Golikeri, such an obsolete address is then purged from the module's own address database and also from the co-operating module's address database.

Each of claims 9, 21 and 29 recites at least one plug-in unit and at least one separate interface circuit corresponding to each of the at least one plug-in unit and connecting the at least one plug-in unit to the bus via the separate interface circuit. Golikeri does not teach or suggest separate interface circuits, which are connected to each plug-in unit, as recited in claims 9, 21 and 29. In the "Response to Arguments" section, the Office Action indicated that the management/control logic (115, 125 and 135) "interfaces" with other components of the Ethernet switching module in order to manage and

control the operations of the Ethernet switching module, so the Office Action concluded that management/control logic is equivalent to interface circuit recited in the pending claims. However, there is no teaching or suggestion in Golikeri of connecting the at least one plug-in unit (Ethernet switching module) to the bus via the separate interface circuit (management/control logic). Instead, as noted in the Office Action, the management/control logic of Golikeri is used for managing and controlling the operations of the Ethernet switching module and not for connecting the Ethernet switching module to the bus, as recited in the pending claims. Paragraph 0053 of Golikeri discloses that the management/control logic provides an IMC service which supports reliable and unreliable transfers over a dual-ring bus. However, Golikeri does not teach that the IMC service is used to connect the at least one plug-in unit to the bus via the separate interface circuit, as recited in the pending claims.

Furthermore, claims 9, 21 and 29 also recite a time duration operation of addressing the plug-in units, whereby, the state of addressing of the plug-in units is checked by timing, and when a time duration of addressing is exceeded, the addressing to the specific plug-in unit is terminated. Golikeri teaches timing the duration an address resides in an address table to determine when an address is no longer used. The presently pending claims, on the other hand, recite monitoring the duration that a particular device is being addressed by another device through the bus. As recited in the presently pending claims, when a device is being addressed or called for more than a predetermined duration, the present invention recognizes this event and terminates the addressing function, which prevents the system from becoming paralyzed in a continual addressing state. Thus, the addressing feature of the present invention is distinct from the address table synchronization of Golikeri.

Claim 13 also recites means for activating a watchdog timer <u>upon startup of an addressing operation directed to a plug-in unit</u>, as discussed above with respect to claim 9. Furthermore, claim 13 recites a second means for sending into the bus a signal indicating termination of the addressing process when the duration of the addressing exceeds a pre-determined time duration as measured by the watchdog timer. There is no teaching or suggestion in Golikeri of sending into the bus a signal indicating termination of the addressing process when the duration of the addressing exceeds a pre-determined time duration as measured by the watchdog timer, as recited in claim 13. In the "Response to Arguments" section, the Office Action alleged that sending a purge message, to other modules, to indicate that a locally owned address is deleted from a local database, as disclosed in Golikeri, is equivalent to the second means for sending into the bus a signal indicating termination of the addressing process when the duration of the addressing exceeds a predetermined time duration as measured by the watchdog timer, as recited in claim 13. Claim 13 recites that the signal indicates the

termination of a timed out <u>addressing process</u> and not the deletion of an address from a local database, as disclosed in Golikeri. Therefore, Golikeri does not teach or suggest the second means for sending into the bus a signal indicating termination of the addressing process when the duration of the addressing exceeds a predetermined time duration as measured by the watchdog timer, as recited in claim 13.

As noted above, Golikeri is directed to <u>synchronizing address tables based upon the age of an address</u> in the table. On the other hand, the claimed invention is directed to timing an addressing process to determine when the addressing process has gotten stuck in an indefinite loop, and the present invention stops the indefinite loop after a watchdog timer times out. There is no teaching or suggestion in Golikeri of activating a watchdog timer upon <u>startup of an addressing operation directed to a plug-in unit</u>, as recited in claim 13. In the "Response to Arguments" section, the Office Action alleged that paragraph 0060 of Golikeri teaches that a timer is reset upon a command to process a local address. Thus, the Office Action concluded that Golikeri teaches starting a timer upon <u>startup</u> of an address operation. However, as noted above, in Golikeri the timer is reset upon a command process to a <u>local address</u> and not when <u>an addressing operation directed to a plug-in unit is started,</u> as recited in claim 13. Given the explanations above, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(e) are in clear error and should be withdrawn because Golikeri fails to teach or suggest each feature of claims 9-16, 20-23, 25, 29-30 and 33..

Claims 17-18, 24, 26, 28, 31 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Golikeri in view of Microsoft Computer Dictionary. The Office Action took the position that Golikeri teaches each and every limitation recited in claims 17-18, 24, 26, 28, 31 and 32 with the exception of the Compact PCI bus. Therefore, the Office Action combined the teachings of Golikeri and Microsoft Computer Dictionary to yield all of the elements of claims 17-18, 24, 26, 28, 31 and 32. The failure of Golikeri in view of Microsoft Computer Dictionary to disclose each and every element of the present claims constitutes clear error.
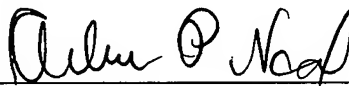
The Microsoft Computer Dictionary does not cure any of the deficiencies of Golikeri as outlined above. Specifically, the Microsoft Computer Dictionary does not teach or suggest at least one plug-in unit and at least one separate interface circuit corresponding to each of the at least one plug-in unit, connecting the at least one plug-in unit to the bus via the separate interface circuit and a time duration operation of addressing the plug-in units, whereby, the state of addressing of the plug-in units is checked by timing, and when a time duration of addressing is exceeded, the addressing to the specific plug-in unit is terminated, as recited in claim 21, upon which claims 24 and 26 depend. The Microsoft Computer Dictionary does not teach or suggest means for activating a watchdog timer

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upon startup of an addressing operation directed to a plug-in unit and a second means for sending into the bus a signal indicating termination of the addressing process when the duration of the addressing exceeds a predetermined time duration as measured by the watchdog timer, as recited in claims 13 and 29, upon which claims 17-18 and 31-32 depend. Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. §103(a) is in clear error and should be withdrawn because neither Golikeri nor Microsoft Computer Dictionary, whether taken singly or combined, teaches or suggests each feature of claims 13, 21 and 29 and hence dependent claims 17-18, 24, 26, 28, 31 and 32.

For all of the above noted reasons, it is strongly submitted that certain clear differences exist between the present invention as claimed in claims 9-18, 20-26, and 29-33 and the prior art relied upon by the Examiner. It is further submitted that these differences are more than sufficient that the present invention would not have been anticipated or obvious to a person having ordinary skill in the art at the time the invention was made. This final rejection being in clear error, therefore, it is respectfully requested that the Examiner's decision be reversed in this case regarding the rejections of claims 9-18, 20-26, and 29-33, and indicate the allowability of all of pending claims 9-18, 20-26, and 29-33.

Reconsideration and withdrawal of the rejections, in view of the clear errors in the Office Action, is respectfully requested. In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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Enclosures: PTO/SB/33 Form / Notice of Appeal / Check No. 16551

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